

Serial No.: 09/973,680

Docket No.: KCC-16,805

**REMARKS**

Applicants thank the Examiner for his comments. Applicants respectfully request reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims has not changed.

**Telephone Interview Summary**

Applicants thank the Examiner for his time and courtesies extended during a telephone interview on 13 June 2005. Claim 1 and the rejection over Dow, Jr., U.S. Patent 5,120,325, were discussed. Applicants argued that the absorbent pad of the Dow, Jr. Patent bandage would provide a raised surface that would interfere with the collection of a drug transferred to the skin. The Examiner argued the bandage would collect the drug even with the absorbent pad. Applicants responded that the invention closely mimics skin to obtain an accurate analysis of drug transfer, and even a "thin" pad (as described by the Examiner) would interfere with accurate testing. The Examiner indicated amending Claim 1 to recite the transition phrase "consisting of" would overcome the current rejection over the Dow, Jr. Patent. No agreement as to the allowability of any claim was reached.

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### **Amendment to the Claims**

Applicants amended Claims 1 and 13 to use the transition language "consisting of."

No new matter has been added to the claims by this Amendment.

### **Claim Rejections - 35 U.S.C. §102**

The rejection of Claims 36, 40-44, and 46 under 35 U.S.C. §102(b) as being anticipated by Dow, Jr., U.S. Patent 5,120,325, is respectfully traversed.

Applicants' invention of Claim 36 is an article for measuring external drug transfer to skin surfaces. The article includes a polyolefin substrate film with a skin-adhering surface. The skin-adhering surface consists of a skin-adhering element attached to the polyolefin substrate film. The claimed article explicitly excludes (by the "consisting of" language) an absorbent pad, such as the absorbent pad attached to the bottom side of the bandage in the Dow, Jr. Patent.

The bandage of the Dow, Jr. Patent includes an absorbent pad on the skin-side of the bandage (*See* Col. 3, lines 1-3). The Dow, Jr. Patent does not teach a polymer film without an absorbent pad on a skin-side surface. The Dow, Jr. Patent thus does not anticipate Applicants' invention of Claim 36, which excludes an absorbent pad on a skin-adhering surface of a polymer film.

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**Claim Rejections - 35 U.S.C. §103**

The rejection of Claims 1-7, 10-12, 37, and 38 under 35 U.S.C. §103(a) as being unpatentable over Dow, Jr., U.S. Patent 5,120,325, is respectfully traversed.

As discussed above, the Dow, Jr. Patent does not disclose or suggest a bandage without an absorbent pad (*See* Col. 3, lines 1-3). Applicants understand from the Examiner's comments during the telephone interview that the above Amendment to Claim 1 overcomes this rejection of Claim 1. Claims 2-7 and 10-12 depend from Claim 1, and are thus patentable for at least the same reasons as Claim 1.

Claims 37 and 38 depend from Claim 36, and are thus patentable for at least the same reasons as Claim 36 discussed above.

The rejection of Claims 8 and 45 under 35 U.S.C. §103(a) as being unpatentable over Dow, Jr., U.S. Patent 5,120,325, in view of MacPhee et al., U.S. Patent 6,762,336, is respectfully traversed. Claims 8 and 45 depend from Claims 1 and 36, respectively, and are patentable for at least the same reasons discussed above.

The rejection of Claim 9 under 35 U.S.C. §103(a) as being unpatentable over Dow, Jr., U.S. Patent 5,120,325, in view of Cartmell, U.S. Patent 5,160,328, is

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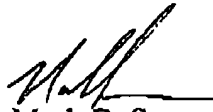
respectfully traversed. Claim 9 depends from Claim 1, and is thus patentable for at least the same reasons discussed above.

### Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



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